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APPLICATION NO.	FILING DATE	SENDER	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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HZ12/0308

KEIL & WEINKAUF  
1101 CONNECTICUT AVE NW  
WASHINGTON DC 20036

EXAMINER
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ART UNIT	PAPER NUMBER
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03/08/01

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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7

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner of Patents

The communication filed 5 January 2001 is not fully responsive to the Office communication mailed 18 December 2000 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner David Kruse, Ph.D., Art Unit 1638, whose telephone number is (703) 306-4539.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

David Kruse Art Unit 1638  
7 March, 2001

AMY J. NELSON, PH.D.  
PRIMARY EXAMINER

## Notice to Comply

Application No.

09/462,629

Examiner

David H Kruse

Applicant(s)

SEULBERGER ET AL.

Art Unit

1638

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

# Raw Sequence Listing Error Summary

## ERROR DETECTED SUGGESTED CORRECTION

SERIAL NUMBER:

09/462,629

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

RECEIVED

FEB 05 2001

TECH CENTER 1600

- 1      Wrapped Nucleics      The number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 2      Wrapped Aminos      The amino acid number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 3      Incorrect Line Length      The rules require that a line not exceed 72 characters in length. This includes spaces.
- 4      Misaligned Amino Acid Numbering      The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs between the numbering. It is recommended to delete any tabs and use spacing between the numbers.
- 5      Non-ASCII      This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.  
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.
- 6      Variable Length      Sequence(s)      contain n's or Xaa's which represented more than one residue.  
As per the rules, each n or Xaa can only represent a single residue.  
Please present the maximum number of each residue having variable length and indicate in the (ix) feature section that some may be missing.
- 7      PatentIn ver. 2.0 "bug"      A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s)                     . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies primarily to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 8      Skipped Sequences (OLD RULES)      Sequence(s)      missing. If intentional, please use the following format for each skipped sequence:  
(2) INFORMATION FOR SEQ ID NO:X:  
(i) SEQUENCE CHARACTERISTICS:(Do not insert any headings under "SEQUENCE CHARACTERISTICS")  
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:  
This sequence is intentionally skipped  
  
Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).
- 9      Skipped Sequences (NEW RULES)      Sequence(s)      missing. If intentional, please use the following format for each skipped sequence.  
<210> sequence id number  
<400> sequence id number  
000
- 10      Use of n's or Xaa's (NEW RULES)      Use of n's and/or Xaa's have been detected in the Sequence Listing.  
Use of <220> to <223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 11      Use of <213>Organism (NEW RULES)      Sequence(s)              are missing this mandatory field or its response.
- 12      Use of <220>Feature (NEW RULES)      Sequence(s)              are missing the <220>Feature and associated headings.  
Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial" or "Unknown"  
Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)
- 13      PatentIn ver. 2.0 "bug"      Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing).  
Instead, please use "File Manager" or any other means to copy file to floppy disk.